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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Roberto FELIX-Rochin,

Defendant.

) Mag. Case No.

'08 MJ 8491

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about May 30, 2008, within the Southern District of California, defendant Roberto FELIX-Rochin, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 2nd DAY OF JUNE 2008.

PETER C. LEWIS

United States Magistrate Judge

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct.

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by the apprehending agent, Border Patrol Agent T. Barrientos that on May 30, 2008, the defendant, a native and citizen of Mexico, was apprehended near Calexico, California, as a passenger in a vehicle containing six illegal aliens west of the Calexico, California Port of Entry.

Agent Barrientos was performing line watch duties approximately 30 miles west of the Calexico, California Port of Entry. Agent Barrientos responded to a call from the Boulevard Border Patrol Station regarding a white Toyota 4Runner Sports Utility Vehicle. The call stated that the vehicle had loaded up with suspected illegal aliens and was traveling eastbound on Interstate 8. Agent Barrientos observed a vehicle matching the description and performed a vehicle stop. Agent Barrientos approached the vehicle and identified himself as a United States Border Patrol Agent to the driver and six passengers of the Toyota 4Runner. One of the passengers was identified as Roberto FELIX-Rochin. Agent Barrientos questioned FELIX-Rochin and the rest of the subjects as to their immigration status to be in the United States. FELIX-Rochin and the other passengers stated that they were citizens of Mexico and illegally in the United States. FELIX-Rochin and the other subjects were placed under arrest and transported to the El Centro Border Patrol Station.

Record checks revealed that FELIX-Rochin was deported to Mexico from the United States on February 14, 2007. Record checks also revealed that FELIX-Rochin has an extensive criminal record.

At approximately 1304 hours, FELIX-Rochin was advised of his Miranda Rights. FELIX-Rochin stated that he understood his rights and was willing to answer questions without an attorney present. FELIX-Rochin stated that he was a citizen of Mexico and that he didn't have any documents to reside or work legally in the United States. FELIX-Rochin also stated that he has previously been deported from the United States and didn't seek permission from the Attorney General to reenter after having been deported. There is no evidence FELIX-Rochin has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on MAY 31, 2008 at 1030.


Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on May 30, 2008 in violation of Title 8, United States Code 1326.


Leo S. Papas
United States Magistrate Judge

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5/31/08
Date/Time

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